

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

STEVE SNYDER-HILL, et al.

Plaintiffs,

v.

THE OHIO STATE UNIVERSITY,

Defendant.

Case No. 2:18-cv-00736

Judge Michael H. Watson

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO PROCEED ANONYMOUSLY

Plaintiffs, through counsel, hereby move the Court for an order permitting John Doe
Plaintiffs 1-31 to proceed in this action with anonymity as follows:

1. Authorizing Plaintiffs to proceed in this case using only the designations of "John Doe 1-31" in all pleadings and documents to be filed of public record in this Court;
2. Requiring Plaintiffs' true names to be disclosed only to the defendants, their attorneys, and to those working for them, and to witnesses on a "need to know" basis only during the course of this lawsuit; and
3. Prohibiting the parties or their representative from disclosing in pleadings or other documents filed with the Court the plaintiffs' names or identities.

In support of this motion, Plaintiffs state the following:

BACKGROUND

This is a civil rights case brought by former male students of The Ohio State University ("OSU") who were sexually assaulted, abused, molested and/or harassed by OSU physician and athletic team doctor, Dr. Richard Strauss. On July 26, 2018, the Plaintiffs filed their original Complaint listing 3 plaintiffs by their actual identities and John Does 1-7 (Doc #1). Thereafter, Plaintiffs moved and the Court granted *Plaintiffs' Unopposed Motion for Leave to Proceed Anonymously* on behalf of the John Doe Plaintiffs, given the privacy interest associated with the

claims being pursued in the Complaint (Doc #15). On November 13, 2018, Plaintiffs filed their *First Amended Complaint* to include additional Plaintiffs, listing 8 Plaintiffs identified by their actual identities and John Does 1-31 (Doc #27), bringing the total of individual Plaintiffs included in the complaint to 39, at this time. While these 8 named Plaintiffs have agreed to move forward in the litigation in their own names, the original 7 John Doe Plaintiffs and the newly added 24 John Doe Plaintiffs seek protection from publication of their names to preserve their anonymity. These Plaintiffs are concerned, given the nature of these claims, that they will be subject to further humiliation, embarrassment, and emotional distress if their identities are revealed in public documents filed with this Court.

The Ohio State University has no objection at this time to Plaintiffs' current request for anonymity, but reserves its right to revisit the request if subsequent case developments indicate otherwise to Ohio State.

LEGAL ANALYSIS

Plaintiffs may be excused from identifying themselves if "privacy interests substantially outweigh the presumption of open judicial proceedings." *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004). One way that standard is met is if the "prosecution of the suit will compel the plaintiffs to disclose information of the utmost intimacy." *Id.* (internal quotations omitted). Matters of sexual assault and battery are of the utmost intimacy and this Court has previously afforded anonymity to plaintiffs on these grounds. *See A.M.S. v. Steele*, 2011 U.S. Dist. LEXIS 52948, *3 (S.D. Ohio 2011). Therefore, to protect Plaintiffs from further embarrassment and humiliation and because matters within this action are of the utmost intimacy and the basis of this action, Plaintiffs should be afforded anonymity and be allowed to proceed under the designation of "John Doe 1-31."

For the foregoing reasons, the Plaintiffs request that this motion be granted.

Respectfully submitted,

/s/ Jack Landskroner

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CERTIFICATE OF SERVICE

A copy of this document was served by the Court's ECF System on all counsel of record on November 20, 2018, pursuant to Fed. R. Civ. P. 5(b)(2)(E).

/s/ Jack Landskroner
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